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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,048	06/21/2000	Michael C. Murray	MS1-563US	7795
22801	7590	05/03/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			STEELMAN, MARY J	
			ART UNIT	PAPER NUMBER
			2122	
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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/599,048

Applicant(s)

MURRAY ET AL.

Examiner

Mary J. Steelman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 5/6, 11/3, 12/1, 12/15/03 & 2/26/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date #6, 10, 11, 12.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. This action is in response to RCE and Amendment B, filed 26 February 2004.
2. Per Applicant's request, claims 1, 17, 29, 40, 55, 63, 64, and 66 have been amended.

Claims 1-69 are pending.

#### ***Information Disclosure Statement***

3. IDS received 5/6/2003, 11/3/2003, 12/1/2003, and 12/15/2003 has been considered.

#### ***Claim Rejections - 35 USC § 101***

4. Prior 35 USC 101 rejections are hereby withdrawn.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-69 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,253,366 to Mutschler, III.

#### **Per claims 1 & 17:**

-describing one or more software extensions using descriptions, the extensions being configured for incorporation in a software platform executing on a client; (Col. 4, lines 21 –30 and 48-60, "...combines the benefits of the Web-based XML standard for defining, validating and sharing

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document formats on the Web....” and “...generate Document Type Definitions...for the Extensible Markup Language...”)

-delivering the descriptions of the one or more extensions to the client via a network, the descriptions being configured for use in downloading the software extensions via the network.

(Col. 6, lines 13-16, “The term “import” as used herein shall mean the creation of an object based on a description of an object transmitted from an external entity.”)

-said acts of describing and delivering being configured to enable software to be delivered over the network. (Col. 2, lines 19-22, “Another object of the present invention is to provide a method and system that allows developers of distributed systems the ability to share object models and other meta-data over a network, including the Internet (enable software to be delivered over a network).” Col. 2, lines 27-31, “A feature of the present invention is the use of entity objects to encapsulate properties and behaviors of each class object thereby making the document type definition (DTD) more compact and giving a clearer picture of the relationships in the meta-model being captured.”)

**Per claim 2:** (Col. 2, line 22.)

**Per claims 3, 30, and 56:** (Figs. 3A, 3B, & 3C and col. 7, lines 20-25.)

**Per claims 4, 57, and 65:** (Figs. 3A, 3B, and 3C and col. 4, lines 21-28.)

**Per claim 5:** (Col. 2, line 22 and col. 4, lines 21-28.)

**Per claims 6 and 20:** (Col. 4, lines 31-39.)

**Per claims 7, 8, 17, and 21:** -wherein causing said computer system to describe one or more extensions and deliver XML descriptions enables software to be delivered over the Internet.

(Col. 4, lines 31-39, “The XMI specification provides application developers with a common

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language for specifying transfer syntax for development language that allow visualizing, constructing and documenting of distributed objects and business models (software).” Col. 2, lines 27-31, “A feature of the present invention is the use of entity objects to encapsulate properties and behaviors of each class object thereby making the document type definition (DTD) (describe extensions) more compact and giving a clearer picture of the relationships in the meta-model being captured.” Col. 2, lines 21-22, “...allows developers of distributed systems the ability to share object models and other meta-data over a network, including the Internet. (deliver over Internet)” Col. 5, lines 16-20, “...the repository is a specialized, extensible object-oriented database application that adds value to a database system, which allows customization of a particular domain (such as application development).” A repository of object oriented object models is used as a software development framework.)

**Per claims 9, 13, 22, 23, 27, 35, 45, 49, 50, and 54:** (Col. 4, lines 31-35.)

**Per claims 10, 13, 24, 27, 36, 45, 50, and 54:** (Col. 3, line 60 – col. 4, line 9.)

**Per claims 11, 13, 25, 27, 37, 45, 50, and 54:** (Col. 4, lines 1-10.)

**Per claims 12, 13, 26, 27, 38, 50, and 54:** (Col. 4, lines 11-18.)

**Per claim 14:** (Col. 4, lines 21-28 and 29-39.)

**Per claim 15:** (Col. 4, lines 48-56.)

**Per claim 16:** (Col. 4, lines 56-60.)

**Per claims 18 & 28:**

-describing one or more software extensions using one or more descriptive files, the extensions being configured for incorporation in a software program executing on a client; (Col. 4, lines 21-30 and 48-60 and col. 6, lines 13-16. Col. 4, lines 54-60, “The DTD also declares all the external

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entities referenced within the document and the notations that can be used. Stated otherwise, an XML DTD (descriptive file) provides a means by which an XML processor can validate the syntax and some of the semantics of an XML document (extension file). An XMI DTD specifies the particular elements allowed in an XMI document.” Additionally, note col. 2, lines 19-22, “Another object of the present invention is to provide a method and system that allows developers of distributed systems the ability to share object models and other meta-data over a network, including the Internet.” The XMI document may be an object model. Col. 3, lines 60-64, “An object is an abstract representation of a real-world concept or thing...An object has features, which can be either an operation or a property. An operation defines an action that an object can perform (program functionality)...”

-associating the one or more descriptive files with one or more associated extension files that are useable to provide a program functionality; (Col. 4, lines 54-56.)

-storing the descriptive files and associated extension files in a network-accessible location; (Fig. 2, DTD.)

-delivering the descriptive files and the associated extension files of the one or more extensions to the client via a network; (Fig. 1.)

**Per claim 19:** (Col. 4, lines 48-56.)

**Per claims 29 & 39:**

-storing one or more extension definition files (EDFs) that describe a logical attachment to a software application program; (Figs. 1 and 2, DTD.)

-storing one or more extension files that correspond to the one or more EDFs and extend the software application program; (Col. 2, lines 37-43.)

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-delivering, via the network, at least one EDF to a client; delivering, via a network, at least one extension file that corresponds to the at least one EDF to a client. (Col. 4, lines 29-39.)

-both of said acts of storing and both of said acts of delivering enabling software to be delivered over the network. (Col. 2, lines 20-22, "...allows developers of distributed systems the ability to share object models and other meta-data over a network (deliver over a network), including the Internet". Col. 2, lines 37-38, "...software development framework having a repository ...")

**Per claim 31:** (Col. 2, line 22.)

**Per claim 32:** (Col. 4, lines 65-66.)

**Per claim 33:** (Col. 4, lines 48-60.)

**Per claims 34:** (Col. 4, lines 51-54.)

**Per claim 40:**

-a first sub-structure indicative of a software extension that is to be incorporated in a software application program; one or more second sub-structures associated with the first sub-structure and indicating feature types that are added by the extension to the application program; one or more third sub-structures associated with the one or more second sub-structures and indicating features of an associated feature type that are added by the extension. (Col. 4, lines 1-8 and 21-39. Col. 6, lines 35-36, "There are various methods by which the DTD (EDF) generator can produce the DTD." Mutschler proceeds to reveal (col. 6, lines 41-45) that a co-pending patent application's technique makes it difficult to perform modifications for the purposes of extension. Col. 6, lines 50-57, "The method of the present invention allows for grouping of the parts of an object into XML entity definitions...since the Attributes, References and Compositions of an object are defined in only one place, modification (extensions) is greatly

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simplified.” Col. 14, lines 7-8, “Referring now to FIG. 16A, the first of a two-sheet flow chart of the Compositions Entities Definitions process is illustrated.” Col. 14, line 33, “Referring now to FIG. 16B...” Col. 14, lines 42-52, “Auxiliary functions are required...These functions illustrate possible methods to perform the textual manipulations necessary to insure that the formatting (menu items, style sheets, etc.) of the XML definitions is correct...While these functions can be used to perform the indicated operation, they are not necessarily the only means of so doing.” )

**Per claims 41, 42 and 43:** (Figs. 3A, 3B, and 3C and col. 7, line 20 – col. 8, line 19.)

**Per claim 44:** (Col. 7, lines 45-46.)

**Per claims 46 and 47:** (Col. 4, lines 35-39.)

**Per claims 48 and 54:**

-navigating to a network site that maintains at least one software application program;  
downloading a software application program from the network site, the application program comprising multiple different functionalities that can assist a user in accomplishing different tasks, the software application program being configured to be extended with software extensions that are deliverable via a network and are described by at least one network-deliverable file. (Col. 4, lines 24-39 and col. 5, lines 18-19. Col. 1, lines 49-52, “Repository models typically contain classes, data types and messages. As more and more complex models are being built, the need arises for a method and system to transfer data in a model from place to place...” Col. 2, lines 19-22, “Another object of the present invention is to provide a method and system that allows developers of distributed systems the ability to share object models and other meta-data over a network, including the Internet.” Col. 2, lines 27-31, “A feature of the present invention is the use of entity objects to encapsulate properties and behaviors of each class object

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thereby making the document type definition (DTD) more compact and giving a clearer picture of the relationships in the meta-model being captured.”)

**Per claims 51 and 54:** (Col. 4, lines 24-26.)

**Per claim 52:** (Col. 4, lines 29-35 and col. 6, lines 20-23.)

**Per claim 53:** (Col. 4, lines 16-20 and line 65 – col. 5, line 4.)

**Per claims 55, 62, and 64:**

-accessing a web site through which one or more software extensions can be obtained and through use of which software can be delivered; (Col. 6, lines 11-16.)

-receiving at least one file that describes at least one software extension using a hierarchical language that describes the software extension’s logical attachment to a software application program; receiving one or more software extension files; installing the one or more software extension files based, at least in part, on the description contained in said at least one file. (Col. 4, lines 21-39 and col. 6, lines 29-49.)

**Per claim 58:** (Col. 6, lines 33-35.)

**Per claim 59:** (Col. 6, lines 50-51.)

**Per claims 60 and 61:** (Col. 5, lines 21-23.)

**Per claim 63:**

-describing one or more software extensions using one or more extensible markup language (XML) files, the extensions being configured for incorporation in a software program executing on a client; associating the one or more XML files with one or more associated extension files that are useable to provide a program functionality; storing the XML files and associated extension files in a network-accessible location. (Col. 4, lines 21-39.)

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-said acts of describing and associating being configured to provide software for delivery over the network. (Col. 2, lines 20-22.)

**Per claim 66:**

-grouping multiple software extension descriptions in a catalog in a network-accessible location to enable delivery of software via a network; (Col. 5, lines 16-23.)

-accessing the network-accessible location; (Col. 6, lines 11-12.)

-using the catalog to update a software extension that is resident on a computing device. (Col. 6, lines 22-36.)

**Per claim 67:** (Col. 5, lines 21-23.)

**Per claim 68:** (Col. 5, lines 18-19.)

**Per claim 69:** (Col. 4, lines 21-23.)

***Response to Arguments***

7. Applicant's arguments filed 26 February 2004 have been fully considered but they are not persuasive.

**(A) Applicant has argued, in substance, the following:**

Applicant has noted on page 20, first paragraph, of Amendment B, "Mutschler's methods and systems do not disclose or suggest enabling software to be delivered over a network."

**Examiner's Response:**

Col. 2, lines 19-22, “Another object of the present invention is to provide a method and system that allows developers of distributed systems the ability to share object models and other meta-data over a network, including the Internet (enable software to be delivered over a network).” Col. 2, lines 27-31, “A feature of the present invention is the use of entity objects to encapsulate properties and behaviors of each class object thereby making the document type definition (DTD) more compact and giving a clearer picture of the relationships in the meta-model being captured.” Google.com defines an object model: An object model is a collection of descriptions of classes or interfaces, together with their member data, member functions and class-static operations. Thus, Examiner maintains that the Mutschler reference does apply to delivering software over a network.

**(B) Applicant has argued, in substance, the following:**

Applicant has noted on page 22, 4th paragraph, of Amendment B, “Mutschler does not disclose or suggest extension files that are useable to provide a program functionality.”

**Examiner’s Response:**

Col. 4, lines 54-60, “The DTD also declares all the external entities referenced within the document and the notations that can be used. Stated otherwise, an XML DTD (descriptive file) provides a means by which an XML processor can validate the syntax and some of the semantics of an XML document (extension file). An XMI DTD specifies the particular elements allowed in an XMI document.” Additionally, note col. 2, lines 19-22, “Another object of the present invention is to provide a method and system that allows developers of distributed systems the

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ability to share object models and other meta-data over a network, including the Internet.” The XMI document may be an object model. Col. 3, lines 60-64, “An object is an abstract representation of a real-world concept or thing...An object has features, which can be either an operation or a property. An operation defines an action that an object can perform (program functionality)...” Examiner disagrees. Mutschler does disclose extension files that are useable to provide a program functionality.

Applicant is requested to point to the location where “useable to provide a program functionality” is defined in the specification and claims.

**(C) Applicant has argued, in substance, the following:**

Applicant has noted on page 25, 3rd paragraph, of Amendment B, Mutschler does not “disclose or suggest sub-structures indicating feature types that are added by the extension to an application program, as the term “feature types” as defined and used in Application’s specification.”

**Examiner’s Response:**

As defined in Applicant’s Specification, pages 13-16, “An EDF is an XML file that logically describes an extension. An EDF, implemented in XML, contains various tags that are associated with various extensions...Exemplary predefined XML tags for user interface elements can include tags for feature types such as: tool bars, accelerators (short cuts), menu items, and themes (style sheets)...Exemplary predefined XML tags for behaviors/components/objects

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include tags for Services (editing, spell check)...Exemplary predefined XML tags for store elements include tags for content classes and offline data sources (allow extension writers to define new types of XML documents with new schema, allow extension writers to define store replication instructions in an EDF)." Refer to Mutschler, col. 6, lines 35-36, "There are various methods by which the DTD (EDF) generator can produce the DTD." Mutschler proceeds to reveal (col. 6, lines 41-45) that a co-pending patent application's technique makes it difficult to perform modifications for the purposes of extension. Col. 6, lines 50-57, "The method of the present invention allows for grouping of the parts of an object into XML entity definitions...since the Attributes, References and Compositions of an object are defined in only one place, modification (extensions) is greatly simplified." Col. 14, lines 7-8, "Referring now to FIG. 16A, the first of a two-sheet flow chart of the Compositions Entities Definitions process is illustrated." Col. 14, line 33, "Referring now to FIG. 16B..." Col. 14, lines 42-52, "Auxiliary functions are required...These functions illustrate possible methods to perform the textual manipulations necessary to insure that the formatting (menu items, style sheets, etc.) of the XML definitions is correct...While these functions can be used to perform the indicated operation, they are not necessarily the only means of so doing." Examiner disagrees with Applicant's argument. Mutschler does disclose "sub-structures indicating feature types that are added by the extension to an application program".

**(D) Applicant has argued, in substance, the following:**

Applicant has noted on page 27, 4th paragraph, of Amendment B, Mutschler does not disclose or suggest "downloading a software application program."

**Examiner's Response:**

Col. 1, lines 49-52, "Repository models typically contain classes, data types and messages. As more and more complex models are being built, the need arises for a method and system to transfer data in a model from place to place..." Col. 2, lines 19-22, "Another object of the present invention is to provide a method and system that allows developers of distributed systems the ability to share object models and other meta-data over a network, including the Internet." Col. 2, lines 27-31, "A feature of the present invention is the use of entity objects to encapsulate properties and behaviors of each class object thereby making the document type definition (DTD) more compact and giving a clearer picture of the relationships in the meta-model being captured." Google.com defines an object model: An object model is a collection of descriptions of classes or interfaces, together with their member data, member functions and class-static operations. Thus, Examiner maintains that the Mutschler reference does apply to downloading a software application program.

Thus Examiner maintains the rejection of claims 1-69.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (703) 305-4564. The

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examiner can normally be reached Monday through Thursday from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552.

The fax phone numbers are (703) 872-9306 for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mary Steelman



04/28/2004



**WEI Y. ZHEN**  
**PRIMARY PATENT EXAMINER**